

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BALTIMORE DIVISION

JASON ALFORD, DANIEL LOPER, WILLIS
MCGAHEE, MICHAEL MCKENZIE, JAMIZE
OLAWALE, ALEX PARSONS, ERIC SMITH,
CHARLES SIMS, JOEY THOMAS, and LANCE
ZENO, Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

THE NFL PLAYER DISABILITY & SURVIVOR
BENEFIT PLAN; THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; THE BERT BELL/PETE ROZELLE NFL
PLAYER RETIREMENT PLAN; THE
DISABILITY BOARD OF THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; LARRY FERAZANI; JACOB FRANK;
BELINDA LERNER; SAM MCCULLUM;
ROBERT SMITH; HOBY BRENNER; and
ROGER GOODELL,

Defendants.

Case No. 1:23-cv-00358-JRR

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs having filed a motion for class certification, the motion having been fully briefed, and the Court having considered the motion, the motion is hereby GRANTED.

1. Pursuant to Rules 23(b)(1)(A) and 23(b)(2) of the Federal Rules of Civil Procedure, the Court certifies the following class ("Class"), defined as:

All participants in the Plan who filed one or more applications for one or more categories of disability benefits under the Plan between August 1, 1970 and [the date of class certification] and are members of at least one of the five Subclasses, defined as the T & P SUBCLASS, the ACTIVE SUBCLASS, the LOD SUBCLASS, the NC SUBCLASS,

and the FIDUCIARY SUBCLASS.

“The Plan” includes the NFL Player Disability & Survivor Benefit Plan (formerly the NFL Player Disability, Neurocognitive & Death Benefit Plan, the NFL Player Disability & Neurocognitive Benefit Plan, the NFL Player Supplemental Disability & Neurocognitive Benefit Plan, and the NFL Player Supplemental Disability Plan); the Bert Bell/Pete Rozelle NFL Player Retirement Plan; the Bert Bell NFL Player Retirement Plan; and the Pete Rozelle NFL Player Retirement Plan.

2. In addition to certifying the above-defined Class, the Court also certifies, pursuant to Federal Rules of Civil Procedure 23(b)(1)(A) and 23(b)(2), the following five Subclasses, defined as:

- (a) The T & P SUBCLASS: All members of the Class who filed one or more applications for Total & Permanent Disability benefits under the Plan; received an adverse determination as part of at least one such application(s) between August 9, 2019 and [the date of class certification]; and are not members of the ACTIVE SUBCLASS.
- (b) The ACTIVE SUBCLASS: All members of the Class who filed one or more applications for Total & Permanent Disability benefits under the Plan; received an adverse determination as part of at least one such application between August 9, 2019 and [the date of class certification]; and were within the timeframe to qualify for Active Football or Active Nonfootball Total & Permanent Disability benefits at the time that they applied.
- (c) The LOD SUBCLASS: All members of the Class who filed one or more applications for Line-of-Duty Disability Benefits under the Plan and received an adverse determination as part of at least one such application between August 9, 2019 and [the date of class certification].
- (d) The NC SUBCLASS: All members of the Class who filed an application for Neurocognitive Disability benefits under the Plan and received an adverse determination as part of at least one such application between August 9, 2019 and [the date of class certification].
- (e) The FIDUCIARY SUBCLASS: All members of the Class who filed an application for one or more categories of disability benefits under the Plan between August 1, 1970 and [the date of class

certification].

3. As to the Class, the Court certifies the claims asserted in Counts I, II, III, and V of the Amended Class Action Complaint (ECF No. 56) (“Amended Complaint”). As to the T & P SUBCLASS, the ACTIVE SUBCLASS, the LOD SUBCLASS, and the NC SUBCLASS, the Court certifies the claims asserted in Counts I, II, and III of the Amended Complaint. As to the FIDUCIARY SUBCLASS, the Court certifies the claim asserted in Count V of the Amended Complaint.

4. In granting Plaintiffs’ motion and certifying the above Class and Subclasses, the Court hereby makes the following appointments:

- (a) of Plaintiffs Jason Alford, Willis McGahee, Michael McKenzie, Jamize Olawale, Alex Parsons, Charles Sims, Eric Smith, Joey Thomas, and Lance Zeno as Class Representatives and as Subclass Representatives of the FIDUCIARY SUBCLASS;
- (b) of Plaintiffs McGahee, McKenzie, Olawale, and Smith as Subclass Representatives of the T&P SUBCLASS;
- (c) of Plaintiff Sims as Subclass Representative of the ACTIVE SUBCLASS;
- (d) of Plaintiff Olawale as Subclass Representative of the LOD SUBCLASS;
- (e) of Plaintiffs Alford, Smith, Thomas, and Zeno as Subclass Representatives of the NC SUBCLASS; and
- (f) pursuant to Federal Rule of Civil Procedure 23(g)(1), of Seeger Weiss LLP; Athlaw LLP; and Aylstock, Witkin, Kreis, & Overholtz, PLLC as Counsel for the Class and for the Subclasses; and of Migliaccio & Rathod LLP as Liaison Counsel for the Class and Subclasses.

IT IS SO ORDERED.

Dated this _____ day of _____, 202__

JULIE R. RUBIN
United States District Judge